



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,273	02/17/2004	Greg T. Reel	353756.00103	2040

7590 06/25/2004
Doyle B. Johnson
Reed Smith LLP
Two Embarcadero Center, Suite 2000
P.O. Box 7936
San Francisco, CA 94111

EXAMINER

TSAI, CAROL S W

ART UNIT	PAPER NUMBER
----------	--------------

2857

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No. 10/781,273	Applicant(s) REEL ET AL.	
	Examiner Carol S Tsai	Art Unit 2857	

-- The MAILING DATE of this c mmunication appears on the cover sheet with the correspondence address --
Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-38 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 27-38 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 27, 28, 32-34, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 6,173,407 to Yoon et al.

With respect to claims 27, 28, and 32, Yoon et al. disclose a method of assessing a fee for the use of a data logging device, the method comprising the steps of : providing to a customer a service related to the use of the data logging device (see col. 3, line 64 to col. 4, line 7 and col. 8, lines 1-5); transferring data logged by the device to a server located physically remote from the device (see Fig. 1 and Abstract, lines 9-11; col. 2, lines 27-28; and col. 4, lines 27-54); assessing a fee to the customer for said provided service (see col. 2, lines 1-9 and lines 16-31; col. 3, lines 4-10 and lines 38-41; and col. 7, lines 9-67).

As to claims 33, 34, and 38, Yoon et al. also disclose a method of assessing a fee for the use of a data logging device, the method comprising the steps of: providing to a customer a service related to the use of the data logging device (see col. 3, line 64 to col. 4, line 7 and col. 8, lines 1-5); transferring data tracked by the device to a data reader (see Abstract, lines 9-11; col. 2, lines 27-28; and col. 4, lines 27-54); making the transferred data available to an entity designated by the customer (see col. 6, lines 3-67); assessing a fee to the customer for said

Art Unit: 2857

provided service (see col. 2, lines 1-9 and lines 16-31; col. 3, lines 4-10 and lines 38-41; and col. 7, lines 9-67).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 29-31 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. in view of U. S. Patent No. 6,718,015 to Berstis.

As noted above, with respect to claims 29 and 35, Yoon et al. disclose the claimed invention, except for information regarding any one or more members of a group of criteria consisting of temperature, humidity, motion, pressure, voltage, flow and sound.

Berstis teaches information regarding any one or more members of a group of criteria consisting of temperature, humidity, motion, pressure, voltage, flow and sound (see col. 1, lines 12-25).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yoon et al.'s method to include information regarding any one or more members of a group of criteria consisting of temperature, humidity, motion, pressure, voltage, flow and sound, as taught by Berstis, in order that user can retrieve the desired information via the internet.

Art Unit: 2857

As to claims 30, 31, 36, and 37, Yoon et al. do not disclose remotely programming the device for further use.

Berstis teaches remotely programming the device for further use (see col. 3, lines 31-42).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Yoon et al.'s method to include remotely programming the device for further use, as taught by Berstis, in order to extend and/or customize the core functionality thereof through software programs including Common Gateway Interface (CGI) programs, plug-ins, servlets, active server pages, server side include (SSI) functions or the like (see col. 3, lines 39-42).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nakamura et al. disclose a portable telephone 60, a sound data delivering server delivering a trial-listening music data to the portable telephone without charging a fee to a user of the portable telephone, or delivers a regular music data to the portable telephone upon charging a fee to the user.

Wells et al. disclose systems, methods and related software products which enable users to temporarily store and subsequently retrieve information.

De La Huerga discloses an apparatus and method for linking a keyword phrase in a first record to a second record referenced by the keyword phrase including receiving the keyword phrase, identifying the second record and rendering the second record accessible and an

Art Unit: 2857

apparatus and method for identifying a reference in a first record to a second record and indicating existence of the second record in the first record.

Usui discloses a timer-based fee-charging system for Internet services eliminating the inconveniences of contracting which are necessary with Internet providers as well as payments of usage fees and subscription rights, etc., and allowing instant access to Internet connection services through an easy access and payment method.

Tso discloses a system and method for producing electronic invitations and for storing event information including receiving invitation information from a first user, the invitation information including information about an event and about recipients of the invitation, storing invitation information in a database, sending invitation information to the invitation recipients, and receiving from at least one of the invitation recipients a response to the invitation.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol S. W. Tsai whose telephone number is (571) 272-2224. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on (571) 272-2216. The fax number for TC 2800 is (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2800 receptionist whose telephone number is (571) 272-1585 or (571) 272-2800.

Art Unit: 2857

In order to reduce pendency and avoid potential delays, Group 2800 is encouraging FAXing of responses to Office actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 2800 will be promptly forwarded to the examiner.



Carol S. W. Tsai
Patent Examiner
Art Unit 2857

06/24/04